

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

Bowers, Craig M.
RECKITT BENCKISER PLC
Group Patents Department
Dansom Lane
Hull HU8 7DS
GRANDE BRETAGNE

PCT
WRITTEN OPINION
(PCT Rule 66)

Date of mailing
(day/month/year)

26.01.2004

Applicant's or agent's file reference
10976P4 WO/CMB

REPLY DUE

within 3 month(s)
from the above date of mailing

International application No.
PCT/GB 03/00921

International filing date (day/month/year)
05.03.2003

Priority date (day/month/year)
00.03.2002

International Patent Classification (IPC) or both national classification and IPC
A47L15/44

TO: CMB
TO: K+ ZB/I

Applicant
RECKITT BENCKISER N.V. et al.

CASE NUMBER
10 976P4 WO

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority. K+
2. This opinion contains indications relating to the following items:

I	<input checked="" type="checkbox"/>	Basis of the opinion
II	<input type="checkbox"/>	Priority
III	<input checked="" type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/>	Lack of unity of invention
V	<input checked="" type="checkbox"/>	Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input type="checkbox"/>	Certain documents cited
VII	<input type="checkbox"/>	Certain defects in the international application
VIII	<input type="checkbox"/>	Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 06.07.2004

Name and mailing address of the international preliminary examining authority:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656.epmu.d
Fax: +49 89 2399 - 4465

Authorized Officer

Papadimitriou, S

Formalities officer (incl. extension of time limits)
Heimann, C
Telephone No. +49 89 2399-2391



I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-12 as originally filed

Claims, Numbers

1-16 as originally filed

Drawings, Sheets

14-44 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b));
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been and will not be examined in respect of:

☐ the entire international application,

☒ claims Nos. 3,5,6,7

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 3,5,6,7 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos.

2. A written opinion cannot be drawn due to the failure of the nucleotide and/or amino acid sequence listing to comply with the Standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

IV. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1,9-13
Inventive step (IS)	Claims	2,4,8,14-16
Industrial applicability (IA)	Claims	

2. Citations and explanations

see separate sheet

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1) **Dependent claims 3,5,6,7**

These dependent claims attempt to define additional features of the device of the invention solely or partly in terms of features of a second entity (dishwashing machine). As such these claims are open to objection under Article 6 PCT (PCT Guidelines Section IV, Chapter III - §4.8a). Assessment of the compliance of these claims with Article 33(1) PCT cannot, therefore, be carried out.

Re Item IV

Lack of unity of invention

- 1) In the terms of claim 1, document GB-A-838637 (D1) discloses a device (cf. fig. 4) for receiving and holding a plurality of unit doses of detergent composition (pg. 1, lines 84-85; pg. 2, line 60) for individually dispensing said unit doses to an automatic dishwasher (cf. pg. 1, lines 9-10 and 26-31), the device comprising a housing (3,20) adapted to receive said plurality of unit doses each separately contained in a package (4,21,22); package opening means (6) and water access allowing means (9) to allow water access to the opened unit dose package within a controlled time period after opening thereof (pg. 2, lines 24-31; fig. 4).
- 2) Document D1 also discloses the subject-matter of dependent claims 9-11.
- 3) In the terms of claim 12, document D1 is also directed to a blister pack (4,21,22) **suitable for use** with a dishwasher detergent dispensing device.
- 4) Therefore, claims 1,9-12 do not define any distinguishing features over the prior art known from D1 and as such lack novelty (Art. 33(2) PCT).
- 5) A first set of dependent claims, namely dependent claims 2-8, defines material features of the device, partly in terms of its intended use (features of the automatic washing machine). The technical effect associated with these features is the provision of detergent dispenser with a two-step detergent release. The objective

technical problem that can be derived therefrom is the provision of a multi-stage dishwasher detergent dispenser.

- 6) A second set of dependent claims, namely dependent claims 13 and 14, is directed to material features of a blister pack. The technical effect associated with these features is the accommodation of unit doses within a blister pack. The objective technical problem is the conception of a blister pack for detergent doses.
- 7) A third set of dependent claims, namely dependent claims 15 and 16, is directed to material features of a detergent. The technical effect associated with these features is the efficient cleaning of tableware. The objective technical problem is the provision of a detergent for tableware cleaning.
- 8) Consequently, the aforementioned sets of dependent claims do not define the same or corresponding technical features. Therefore, the application lacks unity a posteriori (Rule 13(1)(2) PCT).

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

A) First Invention

1) State of the art

Reference is made to the following documents:

D1: GB-A-838637

D2: DE-A-19954706

D3: DE-A-4344205

2) Independent claim 1

The present application does not comply with the provisions of Article 33(2) PCT because the subject-matter of independent claim 1 is not novel in respect of prior art as defined in the regulations (Rule 64(1)-(3) PCT), reference being made to item IV, par. 1.

3) Dependent claims 2,4,8-11

These dependent claims do not appear to contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty (Article 33(2) PCT) or inventive step (Article 33(3) PCT).

The subject-matter of these dependent claims is either already known from D1 or is obvious in view of a combination of documents D1 with D2 or D3 or is directed to modifications of the subject-matter of the independent claim which are considered standard design procedures followed by a skilled person. In this respect reference is also made to the relevant sections of the search report.

B) Second Invention

1) State of the art

Reference is made to the following documents:

D4: EP-A-1174363

D5: US-A-3482733

D1: GB-A-838637

2) Independent claim 12

In the terms of claim 12, document D4 is directed to a blister pack (734-fig. 22b) which could be used to supply detergent tablets to a dishwasher (cf. PCT Guidelines Section IV, Chapter III-4.8). The same applies for document D1. Consequently, the present application does not comply with the provisions of Article 33(2) PCT because the subject-matter of independent claim 12 is not novel in respect of prior art as defined in the regulations (Rule 64(1)-(3) PCT).

3) Dependent claim 13

The blister pack of D4 is also in the form of a wheel plate with unit doses of a

substance placed in a circle along the circumference thereof (cf. fig. 22b). Consequently, the present application does not comply with the provisions of Article 33(2) PCT because the subject-matter of dependent claim 13 is not novel in respect of prior art as defined in the regulations (Rule 64(1)-(3) PCT).

4) Dependent claim 14

Document D5 shows a blister pack in the form of a (single) row of unit doses arranged in a flexible loop (col. 3, lines 29-32; figs. 2 and 3). It would thus appear obvious to a skilled person wishing to modify the blister pack of D1 to use the teachings of D5.

B) Third Invention

1) State of the art

Reference is made to the following documents:

D4: EP-A-1174363

D3: DE-A-4344205

D6: US-A-6177398

D7: EP-A-1104805

2) Dependent claims 15 and 16

2.1) The subject-matter of claim 15, directly appendant on ind. claim 12, is obvious in view of a combination of the teachings of D4 with D3 (col. 3, line 20) or with D6 (col. 1, line 66 - col. 2, line 16), showing unit doses in the form of tablets or detergent additive tablets.

2.2) The subject-matter of claim 16, also directly appendant on ind. claim 12, is obvious in view of a combination of the teachings of documents D4 and D7 (§ 0071).

2.3) Consequently, the present application does not comply with the provisions of Article 33(3) PCT because the subject-matter of claims 15 and 16 does not involve an inventive step in respect of prior art as defined in the regulations (Rule 65

WRITTEN OPINION
SEPARATE SHEET

International application No. PCT/GB03/00921

PCT).